

A circular stamp with the text "O.I.P.E. JC10" around the top edge and "PATENT & TRADEMARK OFFICE" along the bottom edge. In the center, it says "MAY 11 2004".

PATENT  
5119-04801

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/080,684  
Confirmation No. 9660  
Filed: May 18, 1998  
Inventors: **REC'D**  
**MAY**

Mikus et al.

**Title:** REMEDIATION METHOD

9/080,684  
660  
**RECEIVED**  
MAY 21 2004  
**GROUP 3600**

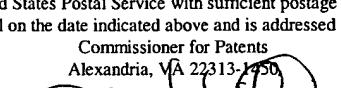
Examiner: Sunil Singh  
Art Unit: 3673  
Atty. Dkt. No: 5119-04801

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. §1.8**

**DATE OF DEPOSIT:** 5/13/04

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:

Commissioner for Patents  
 Alexandria, VA 22313-1450

  
 Jackie L. Pire

## **REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

**Commissioner for Patents  
Alexandria, VA 22313-1450**

Applicant hereby requests withdrawal of the holding of abandonment of the above-referenced application.

On May 4, 2002, a Notice of Abandonment for the above-referenced application was apparently mailed to Applicant's undersigned attorney. A Notice of Abandonment was not, however, received by the Applicant's representative. The file history on the Patent Application Information Retrieval System indicates that the above-referenced application is abandoned due to a failure to timely or properly reply to a Restriction Requirement mailed on September 28, 2001.

The above-referenced application is a continuation of U.S. Patent Application No. 09/080,684, which was filed on May 18, 1998 and entitled "REMEDIATION METHOD." A copy of the CPA Transmittal is attached as Exhibit A. A postcard sent with the CPA Transmittal

Inventors: Mikus et al.  
Appl. Ser. No.: 09/629,834  
Atty. Dkt. No.: 5119-04801

shows that the USPTO received the CPA Transmittal on June 20, 2001, as shown in Exhibit B. In U.S. Application No. 09/080,684, a Notice of Change of Address was filed on July 13, 2000 and received by the USPTO on July 18, 2000. A copy of the Notice of Change of Address and corresponding postcard are attached as Exhibit C. The Notice of Change of Address lists the new correspondence address as Eric B. Meyertons, Conley, Rose & Tayon, P.C., P.O. Box 398, Austin, Texas 78767-0398.

In the CPA Transmittal, Exhibit A, the Correspondence Address in Prior Application was listed as Eric B. Meyertons, Conley, Rose & Tayon, P.C., P.O. Box 398, Austin, Texas 78767-0398 and the New Correspondence Address was listed as Eric B. Meyertons, Conley, Rose & Tayon, P.C., P.O. Box 398, Austin, Texas 78767-0398.<sup>1</sup> A Petition to Revive Application Abandoned Unintentionally, attached as Exhibit D, was filed on June 20, 2001 with the CPA Transmittal. The USPTO received the Petition to Revive on June 20, 2001, as shown in the postcard attached as Exhibit B. The Petition to Revive was granted and a notice of the decision, attached as Exhibit E, was mailed on July 12, 2001.

After the notice of the decision to grant the Petition to Revive, Applicant's representatives have not received any correspondence from the USPTO. Applicant has performed a diligent search of the file record and the docket records. No records have been found that indicate that Applicant's representative received the Restriction Requirement mailed on September 28, 2001. If such a Restriction Requirement had been received, the response due date would have been November 28, 2001. Applicant has attached a copy of the docket record for September through November 2001 as Exhibit F. Applicant submits that no docket entry for Restriction Requirement is present for the above-referenced case (Case Number: 5119-04801).

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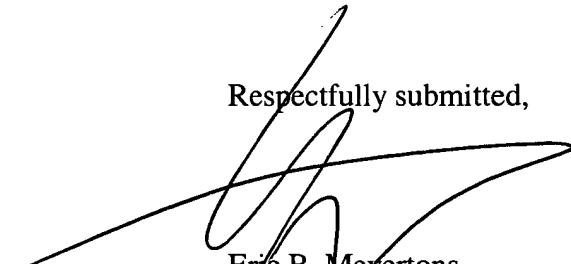
<sup>1</sup> Applicant's law firm name has changed but Applicant's attorney (Eric B. Meyertons) and Applicant's attorneys' address has remained the same.

Inventors: Mikus et al.  
Appl. Ser. No.: 09/629,834  
Atty. Dkt. No.: 5119-04801

Applicant respectfully requests entry of this Request in the application and requests that the Notice of Abandonment be withdrawn. Applicant further requests that a copy of the Restriction Requirement mailed September 28, 2001 be sent to Applicant's representative.

No fees are enclosed for this response; however, should any fees be required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5119-04801/EBM.

Respectfully submitted,



Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicants

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 853-8888 (voice)  
(512) 853-8801 (facsimile)

Date: 5/13/04



Total Claims	20	-20=	0	x \$18.00=	0.00
Independent Claims	3	-3 =	0	x \$80.00=	0.00
Multiple Dependent Claims				Fee:	\$0.00
				Basic Fee:	710.00
				Sub-Total:	710.00
Reduction by 50% for Small Entity:					355.00
				Total:	\$355.00

A fee authorization form is enclosed.

2.  This application is filed by fewer than all the inventors named in the prior application  
 Delete the following inventor(s) named in the prior non-provisional application:

The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

3.  A new power of attorney or authorization of agent is enclosed.

4.  Information Disclosure Statement (IDS)

Copies of IDS Citations

5. Amendments

A preliminary amendment is enclosed (7 pages).

Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 116 in the prior application.

Cancel in this application claim(s) \_\_\_\_\_ before calculating the filing fee. At least one independent claim is retained for filing purposes.

6.  Return Receipt Postcard

7. Small Entity Status

A small entity statement is enclosed.

A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.

Is no longer claimed.

8.  Petition under 37 C.F.R. § 1.136 for Extension of Time

9.  Other: Petition to Revive Application Abandoned Unintentionally

New Correspondence address

(Prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below).

Eric B. Meyertons  
Conley, Rose, & Tayon, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Phone: (512) 476-1400 Fax: (512)  
703-1250

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose, & Tayon, P.C., Deposit Account No. 05-1505/5119-04801/EBM.

Signature



Name

Mark R. DeLuca

Registration No.

44,649

Date

June 20, 2001

RECEIVED  
MAY 21 2004  
GROUP 3600

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C.

Inventor: Mikus, et al.  
Filing Date: June 20, 2001  
Title: REMEDIATION METHOD  
Atty. Dkt. No.: 5119-04801/EBM  
Type of Application: Continued Prosecution Application (CPA)

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the following:

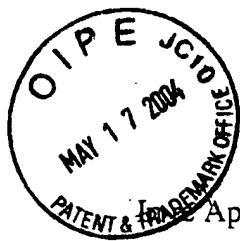
- CPA Transmittal Form (3 pages)  
 7 pages Preliminary Amendment  
 2 pages Petition to Revive Application Abandoned Unintentionally  
 Return Postcard  
 Fee authorization form in the amount of \$975.00

EBM:etg

Via Express Mail No. EL726368131US

Date:





RECEIVED

MAY 21 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP 3600

Application of:

Vinegar, et al.

Serial No.: 09/080,684

Filed: May 18, 1998

For: **REMEDIATION METHOD**

§ Examiner: D. Taylor  
§  
§ Group Art Unit: 3625  
§  
§ Atty. Docket No. 5119-04800/EBM  
§  
§

CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

7/13/00 *Katherin L. Cope*  
Date

Katherin L. Cope

NOTICE OF CHANGE OF ADDRESS

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Applicant respectfully requests the Commissioner to change the correspondence address for the above identified patent application. Applicant's new correspondence address is:

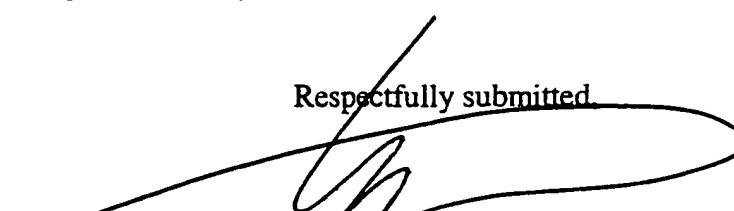
ERIC B. MEYERTONS  
CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TEXAS 78767-0398  
(512) 476-1400

Assistant Commissioner for Patents  
Page 2

Vinegar, et al.  
09/080,684

If there are any questions regarding this matter, please contact me at the telephone number provided below.

Respectfully submitted,

  
Eric B. Meyertons  
Reg. No. 34,876

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TEXAS 78767-0398  
(512) 476-1400

Date: 7/13/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Thomas Mikus, Harold J. Vinegar and Eric de Rouffignac  
SERIAL NO.: 09/080,684 FILING DATE: May 18, 1998  
TITLE: REMEDIATION METHOD  
ATTY DOCKET: 5119-04800/EBM

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached:

- 1) Transmittal Letter (2 pages); 2) Originally executed Power of Attorney (2 pages);  
3) Originally executed Change of Address (2 pages); 4) Originally executed Verified Statement (Declaration) Claiming Small Entity Status – Non-Profit (2 pages); and 5) A return postcard.

EBM:klc

Via First Class Mail

Date: 7/13/00

RECEIVED  
MAY 21 2004  
GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Thomas Mikus, Harold J. Vinegar and Eric de Rouffignac  
SERIAL NO.: 09/080,684 FILING DATE: May 18, 1998  
TITLE: REMEDIATION METHOD  
ATTY DOCKET: 5119-04800/EBM

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached:  
1) Transmittal Letter (2 pages); 2) Originally executed Power of Attorney (2 pages);  
3) Originally executed Change of Address (2 pages); 4) Originally executed Verified Statement (Declaration) Claiming Small Entity Status – Non-Profit (2 pages); and 5) A return postcard.

EBM:klc

Via First Class Mail

Date: 7/13/00





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Thomas Mikus, Harold J. Vinegar and Eric de Rouffignac  
SERIAL NO.: 09/080,684 FILING DATE: May 18, 1998  
TITLE: **REMEDIATION METHOD**  
ATTY DOCKET: 5119-04800/EBM

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached:

- 1) Transmittal Letter (2 pages); 2) Originally executed Power of Attorney (2 pages);  
3) Originally executed Change of Address (2 pages); 4) Originally executed Verified Statement (Declaration) Claiming Small Entity Status – Non-Profit (2 pages); and 5) A return postcard.

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Via First Class Mail

Date: 7/13/00

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GROUP 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Thomas Mikus, Harold J. Vinegar and Eric de Rouffignac  
SERIAL NO.: 09/080,684 FILING DATE: May 18, 1998  
TITLE: **REMEDIATION METHOD**  
ATTY DOCKET: 5119-04800/EBM



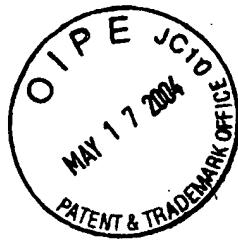
The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached:

- 1) Transmittal Letter (2 pages); 2) Originally executed Power of Attorney (2 pages);  
3) Originally executed Change of Address (2 pages); 4) Originally executed Verified Statement (Declaration) Claiming Small Entity Status – Non-Profit (2 pages); and 5) A return postcard.

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Via First Class Mail

Date: 7/13/00



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MAY 21 2004

GROUP 3600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mikus et al.

Serial No.: 09/080,684

Filed: May 18, 1998

For: REMEDIATION METHOD

Group Art Unit: 3673

Examiner: D. Taylor

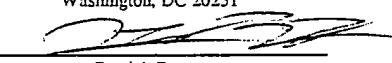
Atty Dkt.: 5119-04800

CERTIFICATE OF EXPRESS MAIL  
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL726368131US  
DATE OF DEPOSIT: June 20, 2001

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 C.F.R. §1.10 on the date indicated  
above and is addressed to:

Commissioner for Patents  
Box DAC  
Washington, DC 20231

  
Derrick Brown

**PETITION TO REVIVE APPLICATION  
ABANDONED UNINTENTIONALLY**

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
Washington D.C. 20231

Dear Sir,

The above referenced application became abandoned for failure to file a timely and proper reply to the Office Action mailed on May 23, 2000, which set a three month period for reply. The abandonment date of the application is August 24, 2000.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Enclosed is a fee authorization form for the payment of the small entity petition fee of \$620.00 as set forth in 37 C.F.R. § 1.17(m). Also enclosed is a continued prosecution application (CPA) for the above-referenced application and the required fee.

If any other fees not listed in the enclosed fee authorization form are required, the Commissioner is authorized to charge any additional fees that are required, or credit any overpayment, to Conley, Rose & Tayon, P.C. Deposit Account No. 501505\5119-04800\EBM.

Respectfully submitted,



Mark R. DeLuca  
Reg. No. 44,649

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 476-1423 (voice)  
(512) 703-1250 (Facsimile)

Date: 6/20/01



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 20

EAM

CONLEY ROSE & TAYON  
P.O. BOX 398  
AUSTIN, TX 78767-0398

**COPY MAILED**

JUL 12 2001

OFFICE OF PETITIONS  
AVC PATENTS

In re Application of :  
Thomas Mikus et al. :  
Application No. 09/080,684 : ON PETITION  
Filed: May 18, 1998 :  
Attorney Docket No. 5119-04801 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 2001, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 23, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 24, 2000.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on June 20, 2001.

The power of attorney, filed January 23, 2001, has not been accepted. The power of attorney is from an assignee and the Certificate required by 37 CFR 3.73(b), that must accompany any and all such filings, has not been received.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

JUL 19 2001

DOCKETED

BY: \_\_\_\_\_

DATE: 7/30

## **Country Application**

29-Apr-04

**Case Number:** 5119-04801    **Country:** US    **SubCase:**  
**Client:** The University Of Texas    **United States of America**  
**Case Type:** CPA    **Application Status:** Pending    **Area(s):**  
**Application Number:** 09/080684    **Filing Date:** 18-May-199    **EP**  
**Patent Number:**    **Issue Date:**  
**Publication Number:**    **Publication Date:**  
**Tax Schedule:** LE    **Expiration Date:**  
                        **Tax Start Date:**  
**Agent:**  
**Agent Reference Number:**

## List Of Actions

Action(s) Due	Due Date	Action Taken
Application/Patent Status	23-Mar-2003	Due Date

**Remarks:** Petition to revive appl granted 7/12/01.

**User ID:** sonie  
**Date Created:** 21-Jun-2001  
**Last Update:** 30-Jul-2001